

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2004 OCT 14 PM 1:14

TO: Office of the City/Agency Administrator  
ATTN: Deborah A. Edgerly  
FROM: Community and Economic Development  
DATE: October 26, 2004

RE: **AN AGENCY RESOLUTION SUBMITTING THE UPDATED  
RELOCATION PLAN FOR THE UPTOWN MIXED USE  
REDEVELOPMENT PROJECT TO THE CITY, AND AUTHORIZING  
IMPLEMENTATION OF THE PLAN; AND**

**A CITY RESOLUTION ADOPTING THE UPDATED AND RELOCATION  
PLAN FOR THE UPTOWN MIXED USE REDEVELOPMENT PROJECT**

**SUMMARY**

City staff has prepared City and Redevelopment Agency Resolutions requesting approval of the Updated Residential and Commercial Relocation Plan for the Uptown Mixed Use Redevelopment Project and requests the City/Agency Administrator approve the implementation of the plan.

City Council and the Redevelopment Agency approved the original Relocation Plans for the Mixed Use Redevelopment Project for Residential and Commercial Displacements on July 24, 2001 by (Resolution Nos. 76612 C.M.S and 01-64 C.M.S.) respectively. State Regulations (25CCR § 6038 (d)) require that the plans shall be updated in the event of a delay of more than one year in the implementation of the relocation program.

In order to proceed with the acquisition of properties in preparation for planned development of the Uptown Retail and Rehabilitation Area, residential and commercial tenants must be displaced. Relocation of these tenants is governed by state law (Government Code §7260, et seq.) and implementing regulations (25 CCR §6000, et seq.). State relocation regulations require the preparation of Relocation Plan when there is a significant amount of residential or nonresidential displacement, and require the adoption of those plans by the local legislative body.

Staff recommends adoption of the Resolutions authorizing the City of Oakland and the Oakland Redevelopment Agency to approve the Updated Residential and Commercial Relocation Plan for the Uptown Mixed Use Redevelopment Project. Adoption of this Resolution satisfies Mayor and City Council Priority Goal #2 (Develop a Sustainable City) and Goal #3 (Improve Oakland Neighborhoods).

Item #: \_\_\_\_\_  
Community and Economic Development Committee  
October 26, 2004

### **FISCAL IMPACTS**

There are no direct fiscal impacts on this action. The relocation costs were approved by Council on July 20, 2004, (Resolution No. 2004-38 C.M.S.). Relocation funds for this Project are available in the Uptown Mixed Use Redevelopment Project (Fund 9532, Org. 94800, Project T245610).

### **BACKGROUND**

On February 18, 1997, the Central District Urban Renewal Plan of 1990 was amended to include the Retail Center Project and Rehabilitation Area (the "Uptown Retail and Rehabilitation Area").

On July 20, 2004, the City and the Redevelopment Agency approved a Lease Disposition and Development Agreement with Uptown Partners ( Resolutions Nos. 2004-38C.M.S. and 78728 C.M.S. respectively) for the development of the Uptown Project located in the area generally bounded by Thomas L. Berkley Way (formerly 20th Street) on the North, Telegraph Avenue on the East, 19th Street on the South and San Pablo Avenue on the West. On that date, the Agency also adopted a Replacement Housing Plan (Resolution No. 2004-40 C.M.S.).

The proposed Project will be developed in two phases. Construction of the first phase of the Project, with 590 units located in the two blocks between 19<sup>th</sup> Street and Thomas L. Berkley Way (formerly 20<sup>th</sup> Street), along San Pablo Avenue, will start in the late spring of 2005. The second phase, consisting of 110 units is located in the two blocks between 19<sup>th</sup> Street and Thomas L. Berkley Way along Telegraph Avenue will start in the fall of 2007. Project completion is anticipated by the beginning of 2010. The Project timeline requires the acquisition of these properties and site control by April 1, 2005.

In order to initiate the redevelopment project, properties must be acquired, sometimes causing displacement of existing residential and nonresidential tenants.

The redevelopment objectives for the Project Area involve replacing older commercial, industrial and residential structures that are in a state of disrepair, eliminating blight conditions, and developing under-utilized properties not consistent with the highest and best use of these downtown properties. The Redevelopment Agency objectives are to improve the overall economic benefits to the downtown, business community, and citizens of Oakland through more effective land utilization and intensity of development within the Project Area.

### **KEY ISSUES AND IMPACTS**

In order to proceed with the acquisition of properties in preparation for planned development of the Uptown Retail and Rehabilitation Area, residential and commercial tenants must be displaced. Relocation of these tenants is governed by state law (Government Code §7260, et seq.) and implementing regulations (25 CCR §6000, et seq.). State relocation regulations require the preparation of Relocation Plan when there is a significant amount of residential or nonresidential displacement, and require the adoption of those plans by the local legislative body.

Item #: \_\_\_\_\_

The Updated Business and Residential Relocation Plan meets State requirements as cited above. The purpose of the plan is to ensure that uniform, fair and equitable treatment is available to all individuals and businesses being displaced as a result of the Agency's acquisition of private property within the Project Area; to discuss relocation opportunities for those impacted individuals and businesses and provide information on availability of comparable replacement housing and commercial properties; and to outline the Agency relocation policies and procedures.

No residential displacee will be required to move without both adequate notice and access to available affordable, decent, safe and sanitary housing. The numerical results, in terms of the availability of replacement housing, suggest that there will be adequate resources available to meet the needs of the Project displacees.

While there is no specific requirement under the Federal or State Relocation Law or Guidelines that alternate relocation sites be made available to businesses at the time of displacement, the City is committed to making every effort to facilitate the reestablishment of the businesses being displaced within the city of Oakland.

All residential tenants and businesses in the Project Area must be moved prior to beginning construction.

#### **DESCRIPTION**

The Agency's Relocation Program is designed to minimize hardship, be responsive to the needs of the displacees, maintain personal contact with all affected individuals and businesses, and apply eligibility benefits that conform to all applicable State and Federal laws.

One of the primary purposes of the Plan is to demonstrate the availability of comparable, affordable, decent, safe and sanitary housing prior to the displacement of residential occupants. Contact will be maintained with developers and sponsors of rental and for-sale housing developed with Agency or City assistance to ensure that residential displacees obtain priority. Ongoing relationships with these housing providers will help ensure that timely information on vacancies will be provided to the residential displacees.

A typical tenant may be eligible to receive the differential between the existing monthly rent and the replacement monthly rent multiplied by 42 months. It should be noted that the replacement housing must be decent, safe and sanitary.

There were 12 occupied residential units in the Project area during the survey period. All residential displacees will be provided with technical and advisory assistance, actual moving expenses and rental assistance payments. No residential occupant shall be required to relocate unless decent safe and sanitary housing can be made available. Every effort will be made during the relocation process to locate housing which will provide long-term affordability to Project occupants.

Item #: \_\_\_\_\_

Community and Economic Development Committee

October 26, 2004

In addition to Relocation Advisory Assistance, eligible businesses displaced by the Project may receive a relocation payment to cover the cost of moving their personal property from the Project site to the selected replacement site. Additionally, a business is entitled to a maximum of \$10,000 for actual and reasonable expenses for reestablishment at the new location. In the alternative, a business may receive a "fixed payment in lieu" for actual moving and related expenses. This payment may not be less than \$1,000 or more than \$20,000 based on the average net earning of the business during the previous tax years.

Every effort will be made during the relocation process to identify suitable replacement sites for each business and to assist the businesses in successfully reestablishing their operations within Oakland.

### **SUSTAINABLE OPPORTUNITIES**

Economic: Completion of the Project will increase the housing inventory in the downtown area. The increased housing will attract additional business opportunities in downtown.

Environmental: While environmental opportunities exist for the redevelopment activities proposed for the Project Area, no specific environmental opportunities have been identified specific to the relocation activities anticipated. Staff will continue to be alert for any such opportunities that may exist throughout the relocation process.

Social Equity: The passage of the resolutions will enable the Agency to continue its relocation program assisting residential displacements in finding decent, safe and sanitary housing. The relocation program also provides assistance to the businesses locating replacement sites.

### **DISABILITY AND SENIOR ACCESS**

A number of the residential displacees are seniors, and some have disabilities. All displacees will receive their full entitlement the law as outlined in the Updated Relocation Plan, including appropriate accommodations for people with disabilities.

### **RECOMMENDATIONS AND RATIONALE**

Staff recommends that the City Council and the Redevelopment Agency approve the Updated Relocation Plan for this Project. The approval will allow the Redevelopment Agency to complete the acquisitions, obtain site control and proceed with the relocations in a timely manner.

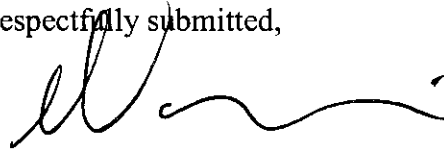
Deborah A. Edgerly  
Re: Real Estate Services/CEDA  
Uptown Project-Updated Relocation Plans

Page 5

**ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY**

Approve the attached resolutions approving the Uptown Mixed Use Redevelopment Project Updated Relocation Plan and authorizing the City/Agency Administrator to implement the Plan to facilitate the site acquisition process.

Respectfully submitted,



Daniel Vanderpriem, Director of Redevelopment,  
Economic Development and Housing and  
Community Development

Reviewed by: Frank Fanelli, Manager  
CEDA- Real Estate Services

Prepared by: Barbara James, Real Estate Agent  
CEDA- real Estate Services

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT  
COMMITTEE:



---

OFFICE OF THE CITY/AGENCY ADMINISTRATOR

FILED  
OFFICE OF THE CITY CLERK  
APPROVED AS TO FORM AND LEGALITY  
2004 OCT 14 PM 1:21  
Agency Counsel

**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

---

**A RESOLUTION SUBMITTING THE UPDATED RELOCATION PLAN  
FOR THE UPTOWN MIXED USE REDEVELOPMENT PROJECT TO  
THE CITY, AND AUTHORIZING THE IMPLEMENTATION OF THE  
PLAN**

**WHEREAS**, on July 20, 2004, the Redevelopment Agency and the City approved a Lease Disposition and Development Agreement with Uptown Partners (Resolution Nos. 2004-38 C.M.S. and 78728 C.M.S. respectively) for the development of the Uptown Mixed Use Redevelopment Project (the "Uptown Project") located within the Central District in the area generally bounded by Thomas L. Berkley Way (formerly 20<sup>th</sup> Street) on the north, Telegraph Avenue on the east, 19<sup>th</sup> Street on the south and San Pablo Avenue on the west; and

**WHEREAS**, the displacement of residential and nonresidential (business) tenants by the Redevelopment Agency is necessary to proceed with the Uptown Project; and

**WHEREAS**, the relocation of the Uptown Project residential and nonresidential displacees will be governed by state relocation law (Government Code §7260, et seq.) and implementing regulations (25 CCR §6000, et seq.); and

**WHEREAS**, state relocation regulations require the preparation of a relocation plan by a local agency when there will be a significant amount of residential or nonresidential displacement from an agency project, and the adoption of that plan by the local legislative body; and

**WHEREAS**, state relocation regulations require the local agency to periodically update its relocation plan; and

**WHEREAS**, Relocation Plans for the Uptown Mixed Use Redevelopment Project for both residential and business displacements were approved by the City Council and the Redevelopment Agency on July 24, 2001, by Resolution Nos. 76612 C.M.S and 01-64 C.M.S. respectively; and

**WHEREAS**, Agency relocation consultants and staff have prepared a draft Updated Relocation Plan for the Uptown Mixed Use Redevelopment Project to replace both previous Relocation Plans; now, therefore, be it

**RESOLVED**: That the Redevelopment Agency hereby approves the Updated Relocation Plan for the Uptown Mixed Use Redevelopment Project attached to the staff report accompanying this Resolution, and authorizes its submittal to the City Council; and be it further

**RESOLVED**: That the Agency hereby determines that the necessary resources *have been made available from Agency sources as required to implement the Updated Relocation Plan*; and be it further

**RESOLVED**: That upon Council adoption of the Updated Relocation Plan, the Agency Administrator or her designee is hereby authorized to take whatever action she deems necessary to implement the Updated Relocation Plan consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND  
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

\_\_\_\_\_  
CEDA FLOYD  
Secretary to the Redevelopment Agency  
of the City of Oakland, California

OFFICE OF FILED  
APPROVED AS TO FORM AND LEGALITY:  
2004 OCT 19  
Deputy City Attorney  
CITY CLERK  
OAKLAND  
PM 1:24

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

---

### A RESOLUTION ADOPTING THE UPDATED RELOCATION PLAN FOR THE UPTOWN MIXED USE REDEVELOPMENT PROJECT

**WHEREAS**, on July 20, 2004, the Redevelopment Agency and the City approved a Lease Disposition and Development Agreement with Uptown Partners (Resolutions Nos. 2004-38 C.M.S. and 78728 C.M.S. respectively) for the development of the Uptown Mixed Use Redevelopment Project (the "Uptown Project") located within the Central District in the area generally bounded by Thomas L. Berkley Way (formerly 20<sup>th</sup> Street) on the north, Telegraph Avenue on the east, 19<sup>th</sup> Street on the south and San Pablo Avenue on the west; and

**WHEREAS**, the displacement of residential and nonresidential (business) tenants by the Redevelopment Agency is necessary to proceed with the Uptown Project; and

**WHEREAS**, the relocation of the Uptown Project residential and nonresidential displacees will be governed by state relocation law (Government Code §7260, et seq.) and implementing regulations (25 CCR §6000, et seq.); and

**WHEREAS**, state relocation regulations require the preparation of a relocation plan by a local agency when there will be a significant amount of residential or nonresidential displacement from an agency project, and the adoption of that plan by the local legislative body; and

**WHEREAS**, state relocation regulations require the local agency to periodically update its relocation plan; and

**WHEREAS**, Relocation Plans for the Uptown Mixed Use Redevelopment Project for both residential and business displacements were approved by the City Council and the Redevelopment Agency on July 24, 2001, by Resolution Nos. 76612 C.M.S and 01-64 C.M.S. respectively; and

**WHEREAS**, the Redevelopment Agency has prepared and submitted to the Council for its consideration a draft Updated Relocation Plan for the Uptown Mixed Use Redevelopment Project to replace both previous Relocation Plans; now, therefore, be it



**RESOLVED:** That the City Council hereby adopts the Updated Relocation Plan for the Uptown Mixed Use Redevelopment Project attached to the staff report accompanying this Resolution; and be it further

**RESOLVED:** That the Council finds and determines that the Updated Relocation Plan conforms to the requirements of state relocation law and is consistent with the Housing Element of the Oakland General Plan; and be it further

**RESOLVED:** That the City Administrator or her designee is hereby authorized to take whatever action she deems necessary to implement the Updated Relocation Plan, consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

\_\_\_\_\_  
CEDA FLOYD  
City Clerk of the City of Oakland, California



**UPDATED  
RELOCATION PLAN FOR THE  
UPTOWN MIXED USE REDEVELOPMENT PROJECT  
OAKLAND, CALIFORNIA**

**PREPARED FOR**

**THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND  
250 FRANK H. OGAWA PLAZA  
OAKLAND, CALIFORNIA**

**By**

**OVERLAND, PACIFIC & CUTLER, INC.  
7901 OAKPORT STREET, SUITE 4800  
OAKLAND, CA 94621-2015  
(510) 638-3081**

**SEPTEMBER 2004**

# I. INTRODUCTION - PROJECT OVERVIEW

On July 20, 2004, the Redevelopment Agency of the City of Oakland (Agency) approved a Lease Disposition and Development Agreement with Uptown Partners for the development of the Uptown Mixed Use Redevelopment Project (Project). The Project is located in the area generally bounded by Thomas L. Berkley Way (formerly 20<sup>th</sup> Street) on the north, Telegraph Avenue on the east, 19<sup>th</sup> Street on the south and San Pablo Avenue on the west.

Uptown Partners' development proposal for the Project area includes the following highlights:

- A transit-oriented development of 700 rental apartments, 25% of which will be affordable to very low- and moderate income households
- 14,500 square feet of neighborhood-serving retail along Telegraph Avenue
- A 25,000 square foot public park
- 70 units of 100% affordable rental housing and a for-sale condominium tower with 270 units.

The Agency's objectives are to improve the overall economic benefits to the downtown business community and to the citizens of Oakland through more effective land utilization and intensity of development within the Project area. The Project is in conformance with the City of Oakland's General Plan land use and economic redevelopment goals. The development, as proposed, will vastly improve the living conditions of people in the community.

The Project will result in the permanent displacement of the residential occupants in two structures located at 1920 and 1954 San Pablo Avenue, as well as seven (7) commercial enterprises.

A Relocation Plan for the residential component of the Project was prepared and approved by the Agency in July 2001. However, the progress of development of the Project delayed relocation of the occupants. The Agency has now selected **Overland, Pacific and Cutler, Inc. (OPC)**, an experienced relocation consulting firm, to prepare this Updated Relocation Plan.

This Plan provides the results of a current needs assessment survey, a housing resource study and details of the Agency's proposed relocation program. This Plan sets forth policies and procedures necessary to conform with the Uniform Relocation Act (46 U.S.C. § 4600 et seq.), and its implementing regulations (49 C.F.R. part 24), as well as regulations established by the California Relocation Assistance Law, California Government Code section 7260 et seq. (the "CRAL"), the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq. (the "Guidelines"). No displacement activities will take place prior to the required reviews and approval of this Plan.

In compliance with statutory requirements, this Plan has been prepared to evaluate the present circumstances and replacement housing and business requirements of the persons being displaced by the Project. Specifically it addresses the following:

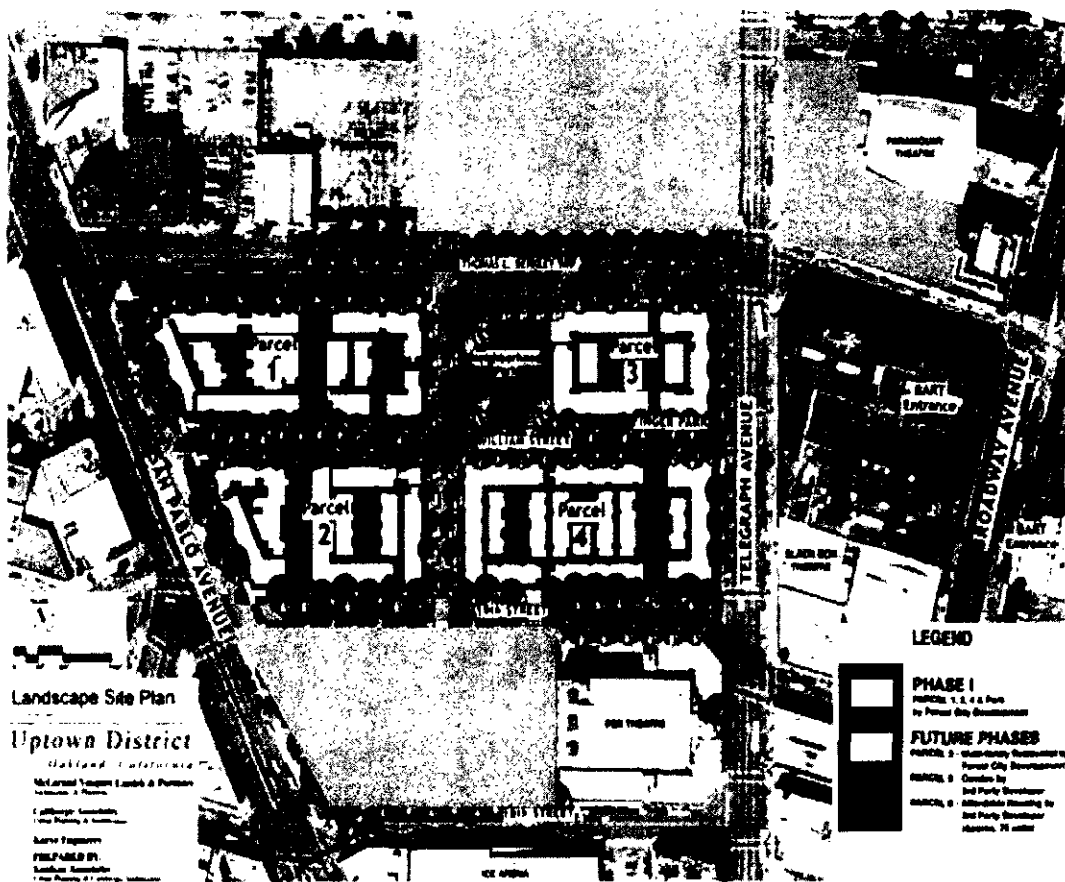
- A description of the Project location and map identifying the Project site;
- An assessment of the relocation needs of Project occupants which may be relocated as a result of implementation of the Project, including survey methods and results;
- An assessment of the availability of comparable replacement dwellings within the City of Oakland and adjacent communities; and,
- The steps and procedures that the City of Oakland will follow to ensure a fair and equitable relocation program for persons displaced by the Project.

## II. PROJECT AREA DESCRIPTION

The Uptown Mixed Use Redevelopment Project Area is located within the Central District Redevelopment Project Area. The proposed Project is located between 20<sup>th</sup> Street on the North, San Pablo Avenue on the West, 19<sup>th</sup> Street on the South and Telegraph Avenue on the East.

### Project Site

### UPTOWN PROJECT SITE PLAN



Landscape Site Plan  
 Uptown District  
 Oakland, California  
 McLaren Vanquez Land & Partners  
 Architects & Planners  
 1000 Broadway, Suite 1000  
 Oakland, California 94612  
 TEL: 415.778.1100  
 FAX: 415.778.1101  
 WWW: www.mvlp.com

OVERALL SITE PLAN

McLARAN VANQUEZ LAND & PARTNERS

UPTOWN OAKLAND

FOREST CITY

MAVE

GENERAL ASSOCIATES

DDA Design Guidelines

JUNE 15TH 2011

### **III. ASSESSMENT OF RELOCATION NEEDS**

#### **A. METHODOLOGY**

To obtain information necessary for the preparation of this Updated Relocation Plan, personal interviews with residential occupants during the survey period of September 15 through 20, 2004. In addition, general information about the commercial enterprises was obtained.

Residential occupants were asked to respond to questions regarding: household size, composition, ages of adults and children, rental and income information, ethnicity, primary language spoken in the home, special needs, disabilities/health problems, and preferences related to replacement housing. Of the 12 households in the residential units, 3 households did not respond to the interview efforts.

Inquiries made of the commercial occupants included questions concerning existing conditions, type of business or service provided, type of occupancy, current lease/rental information, condition of equipment, special requirements and area/facility preferences for replacement locations.

The descriptive data in this Plan concerning residents and commercial uses are based solely on anecdotal responses. No attempt was made to qualify income or other information provided by residents or business owners.

#### **B. FIELD SURVEY DATA – RESIDENTIAL**

##### **1. Housing Data**

All of the residential tenants which are the subject of this Updated Relocation Plan reside in two structures located at 1920 and 1954 San Pablo Avenue, City of Oakland, California. The two buildings contain a total of thirty-four (34) Single Room Occupancy (SRO) units. During the survey period, twenty-two (22) of the units were vacant. The structures are of older vintage, showing evidence of deferred maintenance, and the occupied units are small single rooms measuring approximately 250 square feet. Each unit has a private bath but no kitchen. Project rents range from \$274.00 to \$386.00 per month, including utilities.

One of the tenants serves as on-site Manager, receiving a rent-free unit in exchange for general maintenance and emergency response services.

##### **2. Occupancy/Overcrowding**

There is a total Project population of 15 residential occupants, occupying 12 SRO units. All units except two are occupied by single adults. One unit is occupied by a single adult and 2 school-age children and one unit is occupied by a single adult and one child.

The commonly accepted standard for housing density allows two persons per bedroom and one person in a common living area. Based on this criterion, it appears that the 2 units housing an adult with school-age children are overcrowded. Replacement housing referrals to the occupants of these units will reflect the need for larger accommodations.

Table below provide an overview of some of the household characteristics and needs of Project occupants.

<b>Household Characteristics</b>						
<b>TYPE OF UNITS</b>	<b>TOTAL NUMBER OF OCCUPANTS</b>	<b>TOTAL NUMBER OF CHILDREN</b>	<b>TOTAL NUMBER OF PERSONS WITH DISABILITIES</b>	<b>TOTAL NUMBER OF ELDERLY PERSONS</b>	<b>AVERAGE OCCUPANCY PER UNIT</b>	<b>SPECIAL NEEDS</b>
<b>SINGLE ROOM OCCUPANCY</b>	15	3	4	7	1.25	6

### 3. Ethnicity/Language

The ethnic mix of the residential tenants is 67% African-American, 8% Hispanic, 17% White, and 8% Asian. English is the primary language for eleven (11) of the occupants. Korean is the primary language of the Asian tenant. During the relocation process, Korean translation services will be provided if needed.

### 4. Handicapped/Elderly Households

The survey indicated that there are 7 occupants who fall into the "elderly" category (i.e., over age 62). Physical and/or psychological disabilities were reported by 4 households. However, none of the tenants reported special needs related to mobility (use of a wheelchair) which will require barrier-free ADA accessible replacement housing. Special assistance will be given to elderly tenants and those with special needs in relocating to comparable replacement dwellings, i.e., close to existing medical facilities, public transportation, first floor replacement units or units with elevator access. On a case-by-case basis as needed, appropriate units with accessibility features such as grab bars and/or ramps will be provided.

### 5. Household Income Levels

Current income information was provided by most of the households. According to income standards for Alameda County adjusted for family size as published by the California Department of Housing and Community Development (HCD), **4 of the Project occupants qualify as "very low" income (31% - 50% of area median) and 8 households qualify as "extremely" low income (less than 30% of area median), as shown in the table below.**

## 2004 Income Levels – Alameda County

Income Category	1	2	3	4
Extremely Low	\$17,400	\$19,850	\$22,350	\$24,850
Very Low Income	\$29,000	\$33,100	\$37,250	\$41,400
Lower Income	\$46,350	\$53,000	\$59,600	\$66,250
Median Income	\$57,550	\$65,750	\$74,000	\$82,200
Moderate Income	\$69,050	\$78,900	\$88,800	\$98,650

The primary source of income for most of the project occupants is Social Security, SSI (disability benefits), retirement pensions or veterans benefits. Only 2 occupants are currently employed. One household reported receiving public assistance in the form of aid for a dependent child.

### 6. Special Needs

Given the number of elderly occupants and others with chronic medical conditions, special consideration will be required to secure replacement dwellings that have either elevator or ground floor access. Some of the tenants rely on services in the immediate neighborhood, need to be located close to their medical providers and utilize public transportation for daily activities. Since most of the residents do not own a car, it will be necessary to provide transportation to inspect potential replacement housing units prior to displacement.

Because of the extremely low income level of Project occupants, it will be necessary to provide up-front funds to cover move-in costs such as application fees, credit checks and deposits, upon selection of a replacement unit. Even though most of the occupied units contain sparse furnishings, some of the tenants may require professional move services due to age or physical limitations.

### 7. Preferred Relocation Areas

Most of the residents surveyed expressed concern about relocating to safe and affordable housing located in close proximity to public transportation and other essential community services. Preferred relocation areas included downtown Oakland, East and West Oakland, Fruitvale, and other communities in the East Bay. Some of the senior occupants expressed an interest in relocating to senior housing facilities that provide various types of supportive services.



## **C. FIELD SURVEY DATA - COMMERCIAL**

During the survey period, 7 businesses were in operation in the Project area, located along the perimeter of the Project area, on 20<sup>th</sup> Street, Telegraph and San Pablo Avenues.

The types of businesses being relocated include an engineering firm, fresh flower kiosk, an auto repair shop, major retail auto and tire center, independent retail tire sales, restaurant and parking lot. The special needs related to types of equipment utilized by the businesses will be taken into consideration at the time of displacement.

Most of the businesses have indicated that they prefer to remain in close proximity to their current location to retain local clientele. Every effort will be made during the relocation process to assist the businesses in locating replacement sites that meet their operational needs.

Some of the businesses being displaced may utilize hazardous materials and/or substances which may result in toxic or hazardous waste residue in the soil or groundwater. Additional testing and research will be required in these locations.

### **1. Replacement Site Availability**

While the current real estate market might indicate that replacement sites may be difficult to find in greater downtown Oakland, the market is constantly changing. The overall space available in the greater downtown Oakland area is very tight. However, the area surrounding the Central Business District still has some pockets of space available along Broadway, San Pablo and Telegraph Avenues. In addition, there is additional space available in the surrounding commercial markets. Generally, most of the businesses being displaced from the Project Area should be able to find a replacement site within the greater Oakland/Emeryville area. The Agency will continue to focus its relocation efforts to assist and retain as many of those businesses being displaced in the downtown Oakland area.

Subject to all qualifying and limiting criteria, businesses will be afforded relocation assistance in accordance with State of California regulations, including advisory assistance, referrals to available replacement sites and payment for moving expenses.

## **IV. RELOCATION RESOURCES**

### **A. METHODOLOGY**

One of the primary purposes of the Plan is to demonstrate the availability of comparable, affordable, decent, safe and sanitary housing prior to the displacement of residential occupants. While there is no specific requirement under the Federal or State Relocation Law or Guidelines that alternate relocation sites be made available to businesses at the time of displacement, the Agency is committed to making every effort to facilitate the reestablishment of the businesses being displaced.

Both in preparing this Updated Relocation Plan and in the subsequent provision of relocation assistance, the characteristics and needs of those to be displaced must be understood and addressed. To determine the potential availability of comparable replacement housing and commercial replacement sites prior to the actual displacement of project occupants, resources were researched through the following sources:

- Local newspapers which serve the City of Oakland and other local periodicals and weekly publications;
- A drive-by automobile survey of comparable neighborhoods;
- Direct contacts with property management companies; and
- Internet sources

### **B. REPLACEMENT HOUSING AVAILABILITY**

There were a total of 12 occupied residential units in the Project area during the survey period. OPC conducted a Residential Resource Study to determine the potential availability of comparable replacement housing which would meet the needs of Project occupants. The search for available housing included market rate hotel/motel units, publicly assisted rental units in the City of Oakland, and senior housing units operated by various non-profit organizations. In addition, studio and one-bedroom units were searched for the 2 households with children. Every effort will be made during the relocation process to locate housing which will provide long term affordability to Project occupants.

#### **1. Rental Housing**

The comparable market rent amounts shown in the Table below are among the figures used to make benefit and budget projections for this Plan. These amounts are, naturally, subject to change according to the market rates prevailing at the time of displacement and the degree to which tenants choose to relocate to subsidized

and senior housing. Average Project rents are 30-40% less than respective market rates for surveyed replacement units.

As indicated in the table below, a sufficient number of comparable replacement units were identified during the survey period to meet the needs of the residential tenants. Shown below is the total number of replacement units needed for the Project occupants requiring permanent relocation, the number of available units identified, price ranges and the average rental rates of available units found during the resource survey period.

<b>Unit Size</b>	<b># Units Needed</b>	<b># Units Identified</b>	<b>Price Range</b>
SRO/Singles	10	13	\$395 - \$700
1 Bedroom	1	4	\$775 - \$850
Studio Unit	1	5	\$575 - \$695

As requested by most of the tenants, the primary search area for replacement units was the immediate neighborhood, and then expanded to include greater downtown Oakland. The available units identified are located within a 3-mile radius of the Project site. SRO/Single units include at least private bath and kitchenettes. The Studios and 1-bedroom units contain a private bath and kitchen.

## **2. Commercial Resources**

Information gathered from the Project businesses revealed a preference to reestablish within the Project area or in close proximity to their present location. Every effort will be made during the relocation process to identify suitable replacement sites for each business and assist the businesses in successfully reestablishing their operations.

Because businesses will make decisions on location based upon their "target" clientele and proximity to transportation corridors, etc., detailed specific relocation site requirements will be discussed during the relocation process. In all instances, specific eligibility requirements and detailed compensation plans will be developed for and discussed on an individual basis with each business. In the course of the relocation process each business will be counseled, as may be necessary, in regard to available options and the potential consequences of any choice with respect to financial assistance.

Business relocation issues which will need to be addressed for these tenants will include regulatory matters such as zoning, permitting, including the "lead-time" necessary for regulatory processing, and then approvals by agencies having jurisdiction over the replacement site areas.

## **C. RELATED ISSUES**

### **1. Concurrent Residential Displacement**

There are no other current public projects underway in the City of Oakland which would compete with the Project for needed housing resources, if the relocation proceeds as planned during the early part of 2005. In any event, no residential displacee will be required to move without both adequate notice and access to available affordable decent, safe and sanitary housing.

### **2. Temporary Housing**

There is no anticipated need for temporary relocation for any of the households. Should such a need arise during the implementation of the Project, the Agency would make available the necessary funds to accomplish this task.

## **D. CONCLUSIONS**

The Agency is committed to providing all of the financial and advisory assistance necessary to coordinate the relocation of Project occupants to comparable replacement dwellings and suitable business sites and to work to minimize the difficulties with which residents with limited resources will have to cope.

The numerical results, in terms of the availability of replacement housing, suggest that there will be adequate resources available to meet the needs of Project displacees.

In implementing the relocation of the Project occupants, every effort will be made to provide assistance commensurate with the special needs of each residential occupant.

## **V. THE RELOCATION ASSISTANCE PROGRAM**

### **A. PROGRAM ASSURANCES, STANDARDS AND OBJECTIVES**

The Agency's Relocation Program is designed to minimize hardship, be responsive to unique project circumstances, emphasize maintaining personal contact with all affected individuals, and consistently apply all regulatory criteria to formulate eligibility and benefit determinations and conform to all applicable requirements.

Adequate funds are available to relocate the Project occupants. Relocation assistance services will be provided to ensure that displacement does not result in different or separate treatment of occupants based on race, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination.

No residential occupant will be required to relocate unless "comparable" replacement housing can be made available. "Comparable" housing includes standards such as: decent, safe, and sanitary, comparable as to the number of bedrooms, living space, and type and quality of construction of the acquired unit, but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to location to schools, employment, health and medical facilities, and other public and commercial facilities and services; and within the financial means of the displaced household as defined in the State of California Relocation Guidelines.

The relocation program to be implemented by the Agency will conform, as applicable, with the standards and provisions of California Health and Safety Code Sections 33411 and 33411.1; California Government Code Section 7260 et. seq.; and the California Code of Regulations, Title 25, Chapter 6.

Pursuant to applicable guidelines, relocation program objectives will be as follows:

1. To fully inform eligible project occupants of the nature of and procedures for obtaining relocation assistance and benefits.
2. To determine the needs of each residential and commercial displacee eligible for assistance.
3. To provide an adequate number of referrals to comparable housing units and replacement sites for businesses within a reasonable time prior to displacement, and assure that no Project occupant will be required to move without a minimum of 90 days written notice to vacate.

4. To provide current and continuously updated information concerning replacement housing and business opportunities.
5. To provide assistance that does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status or other arbitrary circumstances.
6. To supply information concerning Federal and State housing programs and other governmental programs providing assistance to displaced persons.
7. To assist each eligible person to complete applications for payments and benefits.
8. To make relocation benefit payments in accordance with State Guidelines, including the provisions of the Last Resort Housing sections where applicable.
9. To inform all persons being relocated of the Agency's policies with regard to eviction and property management.
10. To establish and maintain a formal Grievance Procedure for use by displaced persons seeking administrative review of Agency decisions with respect to relocation assistance.

#### **B. CITIZEN PARTICIPATION**

As the process for considering the Project moves forward, the Agency will observe the following protocol:

1. Provide affected occupants with full and timely access to documents relevant to the relocation program.
2. Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials.
3. Issuance of a general notice concerning the availability of this Plan for public review, as required, 30 days prior to its proposed adoption. The Plan will be distributed to all Project occupants and, upon request, to other interested parties.
4. The inclusion of written or oral comments concerning this Plan as an attachment when it is forwarded to the Agency for adoption.

#### **C. RELOCATION ADVISORY ASSISTANCE**

As a function of the overall relocation assistance program, technical and advisory assistance will be provided to all potential displacees.

The following specific activities will occur:

1. Each household and business affected by the Project will be personally interviewed to gather information appropriate to determine needs and preferences with regard to the replacement of existing accommodations.
2. Printed "Informational Statements" will be provided to all displaced persons. Signed acknowledgments will be obtained to verify receipt of this material. Samples of the Informational Statements to be provided to all residential and commercial occupants are attached as Exhibit "A".
3. Appropriate replacement housing referrals will be made to residential displacees on a timely basis. Field surveys will be conducted in order to identify available housing resources. Every effort will be made to find comparable replacement housing units which are reasonably accessible to currently utilized medical facilities, places of employment, shopping areas and public transportation.
4. Transportation will be provided, if necessary, to any displaced occupant to inspect replacement sites within the local area. Specific assistance may also be provided to senior citizens in finding housing near friends, relatives, medical facilities and convenient transportation.
5. Assistance will be offered to all displacees in connection with arrangements for the purchase of comparable replacement housing, the completion of applications for replacement housing, the filing of claim forms to request relocation benefits from the Agency, and to obtain services from other public agencies.
6. Special assistance in the form of referrals to governmental and social service agencies will be made, if needed, including:
  - (a) Social Security Administration
  - (b) The Oakland Housing Authority
  - (c) Non-Profit organizations offering supportive services to qualified tenants
  - (d) Bay Area Community Services (BACS), a non-profit organization providing services to adults and seniors in Alameda County
  - (e) Center for Independent Living
7. Contact will be maintained with developers and sponsors of rental and for-sale housing developed with Agency or City assistance to assure that residential displacees obtain priority, if such priority was required as a condition of the Agency or City assistance. Such contacts will be ongoing and efforts will be made to set up procedures for relaying information on vacancies which occur in such developments and which may be utilized by displacees.

**D. THE FINANCIAL ASSISTANCE PROGRAM**

The Agency's financial assistance program will fulfill statutory obligations defined by the California Relocation Assistance Law (Government Code, Section 7260 et seq.) In addition to the statutory benefits, the Agency plans to maximize options available to Project residents.

**1. Residential Relocation Benefits**

**a. Moving Expense Payments**

All eligible displaced residents shall be entitled to a payment for reasonable moving expenses. Eligible displacees may choose to receive either a payment for their actual reasonable moving expenses as described in a) below, or a fixed payment based on a schedule as described in b) below.

**a) Actual Moving Expense Payment**

The Agency will pay the costs of packing, transportation up to 50 miles and unpacking all personal property moved. The actual moving expenses shall be based on the lower of at least two acceptable moving bids from qualified professional moving carriers to pack, move and unpack all personal property from the acquired site to the replacement site. This payment can be made directly to a moving carrier for their actual services OR, if the displacee chooses not to use a professional moving carrier, a payment can be made directly to the displacee in the amount not to exceed an acceptable lowest bid. If moving costs are estimated to be \$1,000 or less, the documentation for these payments may be based on a moving company's estimate rather than through the bid process.

**b) Fixed Payment**

In lieu of an Actual Moving Expense Payment, the Agency will pay a moving allowance directly to the displacee based on the total number of furnished or unfurnished rooms at the acquired site in accordance with the Residential Moving Expense Schedule adopted by the Federal Highway Administration for the State of California. As of March 2004, this Schedule is as follows:

**Residential Moving Expense Schedule  
Occupant Owns Furniture**

No. of Rooms	1	2	3	4	5	6	7	8	Each Additional Room
Payment	\$575	\$750	\$925	\$1,110	\$1,325	\$1,550	\$1,775	\$2,000	\$200



**Residential Moving Expense Schedule  
Occupant Does Not Own Furniture**

No. of Rooms	1	Each Additional Room
Payment	\$375	\$60

**b. Rental Assistance Payments**

Rental assistance payments will be determined on the basis of a review of each household's current rent, ability-to-pay, the market rent of a comparable replacement dwelling and the actual rent of the replacement dwelling.

An example of this calculation is shown below.

1. Old Rent	\$ 500	Old Rent plus Utility Allowance
Or		
2. Ability to Pay	\$ 445	30% of the Gross Household Income*
3. Lesser of lines 1 or 2	<b>\$ 445</b>	
<b>Subtracted From:</b>		
4. Actual New Rent	\$ 550	Actual New Rent including Utility Allowance
Or		
5. Comparable Rent	\$ 575	Determined by Agency; includes Utility Allowance
6. Lesser of lines 4 or 5	<b>\$ 550</b>	
<b>7. Yields Monthly Need:</b>	<b>\$ 105</b>	Subtract line 3 from line 6
<b>Rental Assistance</b>	<b>\$4,410</b>	<b>Multiply line 7 by 42 months</b>

\*Gross Household Income is defined as the total annual income of all household members, eighteen years and older. To compensate for special need situations gross incomes may be adjusted as follows: 1) a deduction of five hundred dollars (\$500) for each dependent in excess of three; 2) a deduction of ten percent (10%) of total household income where there is an elderly or disabled head of household; (3) a deduction for recurring extraordinary medical expenses defined for this purpose to mean medical expenses in excess of 3% of total income, where not compensated for or covered by insurance or other sources; (4) a deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head of household or spouse, except that the amount deducted shall not exceed the amount of income received by the person who would not otherwise be able to seek employment in the absence of such care.

## **2. Commercial Relocation Benefits**

Pursuant to California Relocation Law, eligible businesses may receive a relocation payment to cover the reasonable cost of moving their personal property from the Project site to the selected replacement site.

There are two options:

(A) **a payment for actual reasonable and necessary moving and related expenses;**

**OR,**

(B) **a fixed payment not to exceed \$20,000.00.**

**Payment for Actual Reasonable and Necessary Moving and Related Expenses.** This payment may include the following:

- a) Transportation of persons and property from the present location to the replacement location (transportation costs are limited to a distance of 50 miles);
- b) Packing, crating, uncrating, and unpacking personal property;
- c) Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby, and modifications necessary to adapt such property to the replacement structure, or to the utilities, or to adapt the utilities to the personal property;
- d) Storage of personal property generally for up to twelve (12) months, at the Agency's discretion;
- e) Insurance of personal property while in storage or transit and the replacement value of property lost, stolen, or damaged (though not through the fault or negligence of the displaced person) in the process of moving;
- f) Subject to certain limitations, any license, permit or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;
- g) Subject to certain limitations, reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees and consultants' charges, necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;

- h) Subject to certain limitations, the purchase and installation of substitute personal property limited to the lesser of: (1) the estimated cost to move the item to the replacement location; or, (2) the replacement cost, less any proceeds from its sale;
- i) Subject to certain limitations, modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply;
- j) Actual direct losses of tangible personal property resulting from moving, or discontinuing a business or non-profit organization, not-to-exceed the lesser of:
  - 1) the fair market value of the property for continued use at its location prior to displacement; or,
  - 2) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency, subject to certain limitations;
- m) Actual and reasonable expenses incurred in searching for a replacement business location, not-to-exceed \$1,000;
- n) Actual and reasonable expenses necessary to reestablish a displaced small business at its new location, not-to-exceed \$10,000. Examples of expenses that may be considered for reimbursement include advertising, redecoration and certain increased costs of operation at the new location.

**Fixed Payment in Lieu of a Payment for Actual Reasonable Moving and Related Expenses**

In the alternative, a business may choose to receive a fixed payment in lieu of a payment for actual reasonable moving and related expenses, if the business is eligible for such a payment (see below). This payment may not be less than \$1,000.00 nor more than \$20,000.00. For a business, this payment is based on the "average annual net earnings" before federal, state and local taxes, during the 2 tax years immediately prior to the year in which the business moves, or during any other term the Agency determines to be more equitable for establishing earnings. "Average annual net earnings" includes any compensation paid to the business owner, the owner's spouse and dependents during the period for establishing average annual net earnings.

To be eligible for this fixed payment, income tax records, financial statements and accounting records for a confidential audit must be submitted to the Agency in order for the Agency to determine the amount of the payment.

A displaced business is eligible for this fixed payment if the Agency relocation representative determines that:

- The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site.
- The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Agency determines that it will not suffer a substantial loss of its existing patronage; and
- The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the Agency and which are under the same ownership and engaged in the same or similar business activities.
- The business is not operated at a displacement dwelling solely for the purpose of renting the site to others.
- The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement.

#### **E. INFORMATION ON PAYMENT OF RELOCATION BENEFITS**

Relocation benefit payments will be made in a timely and orderly manner. Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from the date the claimant moves from the acquired property.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

- a. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
- b. Assistance amounts will be determined and required claim forms prepared by relocation staff in consultation with claimant(s).
- c. Original signed claims supported by appropriate documentation and relocation staff recommendation will be submitted to the Agency.
- d. The Agency will review and approve, or amend claims for payment.
- e. Agency warrants will be prepared and issued to relocation staff for distribution.
- f. Payments will be disbursed by relocation staff.
- g. Receipts of payment will be obtained by relocation staff and maintained in the case file.

- h. The Agency will provide advance payments to assist displacees in securing replacement housing units. Requests for advance payments will be expeditiously processed to help avoid the loss of desirable and appropriate replacement housing.

#### **F. LAST RESORT HOUSING ASSISTANCE**

Pursuant to California Government Code Section 7264, if the Rental Assistance payment amount calculated over a 42- month period, as explained above, *exceeds* the statutory maximum of \$5,250, the Agency will provide additional assistance. This assistance may take the form of the provision of actual, affordable replacement housing units *or* cash payments. A lump sum payment of up to \$5,250 will be disbursed directly to the displacee from the Agency. The remainder shall be paid in periodic installments over a period not to exceed 42 months.

Last Resort recipients may request a lump sum payment of the entire balance of assistance due for the purpose of purchasing a replacement home. Any such payment will be deposited directly into an escrow account with provisions to allow the Agency to recover its funds should escrow fail to close.

#### **G. RELOCATION TAX CONSEQUENCES**

In general, residential relocation payments are not considered income for tax purposes. Benefit payments are made subject to the provisions of Title 24 of the Code of Federal Regulations and Chapter 16 of the California Government Code. Business compensation for downtime during the rehabilitation work may be considered as income for income tax purposes.

The preceding statement is not to be construed as legal tax advice on the part of the Agency, its Consultants, employees or, assigns, and prospective displacees are encouraged to consult personal, professional tax advisors in this regard.

#### **H. GRIEVANCE POLICY**

The Agency's grievance policy adheres to the standards described in Article 5, Section 6150 of the State Relocation Guidelines. See Exhibit C. The grievance procedure provides a displacee with the means to individually seek administrative review of her/his eligibility determination, payment amounts, comparable replacement housing referrals or the Agency's property management practices.

Displacees may file claims for relocation benefits with relocation personnel within 18 months of their move. If a displacee is dissatisfied with the disposition of their claim, they may pursue informal and formal review with the Agency as set forth below.

Relocation personnel shall inform the claimant in writing of the reasons for denying a claim and the applicable procedures for obtaining review.

A complainant may first request a full written explanation of the determination if he/she feels that the explanation accompanying the claim determination is inadequate. Relocation personnel shall provide such an explanation within three weeks of receipt of the request.

The complainant may next request the opportunity to make an informal oral presentation to discuss his/her case with Agency staff overseeing the Agency's relocation program. Such a request must be made by the complainant in writing within 18 months after his or her move.

Within 15 days of this request, the Agency shall grant the complainant the opportunity to make such a presentation. The presentation shall take place before the Co-Director of the Community and Economic Development Agency of the City of Oakland, or such other management level staff persons that may be overseeing the relocation program at that time. The complainant may be represented by an attorney or other representative of his/her choosing, at his/her expense. The Agency shall make a written summary of matters discussed in the presentation, which shall be retained on file.

The complainant also may request a formal review and reconsideration of his/her claim. The complainant is not required to request an informal oral presentation before seeking formal review. A request for formal review must be made by the complainant in writing within 18 months of his/her move.

The City's Housing, Residential Rent, and Relocation Board shall conduct the formal review and reconsideration. Such review shall be governed by 25 CCR section 6158 and the Board's own rules and regulations.

Following such administrative review, a complainant may pursue judicial review of his or her claim as provided for by state law.

## **I. EVICTION POLICY**

Project residents who maintain their tenancy following acquisition by the Agency may be required to execute new rental agreements or leases. Traditionally, lease costs will not be greater than that experienced by residents prior to Agency acquisition. The Agency, in accordance with Section 6058 of the State Relocation Guidelines may resort to eviction *only* for one, or more of the following reasons:

1. Failure to pay rent, except in those cases where the failure to pay is due to the Agency's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of discontinuation or substantial

## EXHIBIT A - INFORMATION STATEMENT FOR INDIVIDUALS AND FAMILIES

### INFORMATIONAL STATEMENT FOR FAMILIES AND INDIVIDUALS

- I. GENERAL INFORMATION
- II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING
- III. MOVING BENEFITS
- IV. REPLACEMENT HOUSING PAYMENT - TENANTS
- V. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS
- VI. LAST RESORT HOUSING ASSISTANCE
- VII. RENTAL AGREEMENT
- VIII. APPEAL PROCEDURES - GRIEVANCE
- IX. TAX STATUS OF RELOCATION BENEFITS
- X. LEGAL PRESENCE REQUIREMENT
- XI. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

#### I. GENERAL INFORMATION

The building in which you now live is in an area to be improved by the Redevelopment Agency of the City of Oakland ("Agency"). As the project schedule proceeds, it will be necessary for you to move from your dwelling. You will be notified in a timely manner as to the date by which you must move.

Please read this information, as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under the federal and/or state law. We suggest you save this informational statement for reference.

The Agency has retained the services of Overland, Pacific & Cutler, Inc., a qualified professional relocation firm, to assist you. The firm is available to explain the program and benefits. Their address and telephone number is:

**Overland, Pacific & Cutler, Inc.**  
**7901 Oakport St., Suite 4800**  
**Oakland, California 94621**  
**Telephone: (510) 638-3081**

**PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING.** However, if you desire to move sooner than required, you must contact your relocation consultant with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits.

This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Agency=s relocation assistance program.

**II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING**

The Agency, through its relocation consultant, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

**III. MOVING BENEFITS**

If you must move as a result of displacement by the Agency, you will receive a payment to assist in moving your personal property. There are two types of moving payments. You have the option of selecting either one of the following types of moving payments:

**A. Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Agency, and ranges, for example, from \$375.00 for one furnished room to \$2,000.00 for eight rooms in an unfurnished dwelling. (For details see the table below). Your relocation representative will inform you of the amount you are eligible to receive if you choose this type of payment.

<b>FIXED MOVING SCHEDULE - CALIFORNIA (effective Sep 2001)</b>			
<b>Occupant owns furniture</b>		<b>Occupant does NOT own furniture</b>	
1 room	\$575.00	1 room	\$375.00
2 rooms	\$750.00	each additional room	\$60.00
3 rooms	\$925.00		
4 rooms	\$1,100.00		
5 rooms	\$1,325.00		
6 rooms	\$1,550.00		
7 rooms	\$1,775.00		
8 rooms	\$2,000.00		
each additional room	\$200.00		



If you select a fixed payment, you will be responsible for arranging for your own move and the Agency will assume no liability for any loss or damage of your personal property.

**B. Actual Moving Expense (Professional Move)**

If you wish to engage the services of a licensed commercial mover and have the Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a scope of services for Agency approval.

**IV. REPLACEMENT HOUSING PAYMENT - TENANTS**

You may be eligible for a payment of up to \$5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must have occupied your present dwelling for a least 90 days prior to the Agency's first offer to purchase the property.

**A. Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference, over a forty-two (42) month period, between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent or thirty percent (30%) of your gross monthly household income. You will be required to provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

**- OR -**

**B. Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the downpayment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

## **V. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS**

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year** from the date you move from the displacement dwelling

All claims for relocation benefits must be filed with the Agency **within eighteen (18) months** from the date you move.

## **VI. LAST RESORT HOUSING ASSISTANCE**

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Agency will provide Last Resort housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

## **VII. RENTAL AGREEMENT**

As a result of the Agency's action to purchase the property where you live, you may become a tenant of the Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

Except for the causes of eviction set forth below, no person lawfully occupying Agency property will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following infractions:

- A. Failure to pay rent; except in those cases where the failure to pay is due to the tenant's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- B. Performance of dangerous illegal act in the unit;
- C. Material breach of the rental agreement and failure to correct breach within 30 days of notice;
- D. Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- E. Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- F. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the Agency.

### **VIII. APPEAL PROCEDURES - GRIEVANCE**

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have his/her claim reviewed or reconsidered in accordance with the Agency's appeals procedure. Complete details on appeal procedures are available upon request from your relocation representative.

### **IX. TAX STATUS OF RELOCATION BENEFITS**

Relocation benefit payments are not considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11(commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

### **X. LAWFUL PRESENCE REQUIREMENT**

Pursuant to the Public Law 105-117 of 11-21-97, in order to be eligible to receive relocation benefits in federally-funded relocation projects, all members of the household to be displaced must *provide information regarding their lawful presence in the United States. In federal projects, any member of the household who is not lawfully present in the United States or declines to provide this information may be denied relocation benefits. Relocation benefits will be prorated to reflect the number of household members with certified lawful presence in the US.*

### **XI. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE**

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative.

## **EXHIBIT B - INFORMATION STATEMENT FOR BUSINESSES**

### **INFORMATIONAL STATEMENT FOR BUSINESS**

#### **Introduction**

The property on which you now conduct your business is in an area to be improved by the Redevelopment Agency of the City of Oakland ("Agency"). The Agency has made an offer to acquire the property and in order for the Agency to proceed with construction of its project, you will have to move. You will be notified in a timely manner as to the date by which you must move.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under the State of California Relocation Guidelines. We suggest you save this informational statement for reference.

**THIS IS NOT A NOTICE TO MOVE.** It is important that you do not move before you learn what you must do to receive relocation payments and other assistance to which you may be entitled. The Agency has retained the services of our firm, a qualified professional relocation firm, to assist you. The firm is available to explain the program and benefits. Our address and telephone number is:

**Overland, Pacific & Cutler, Inc.**  
**7901 Oakport St., Ste 4800**  
**Oakland CA, 94621**  
**(510) 638-3081 or (877) 972-8908**

#### **Summary of Relocation Assistance**

As an eligible displaced person, you will be offered appropriate financial and advisory assistance to help you relocate, including:

- A. Payment for your moving expenses. You will receive either:
  - A Payment for Actual Reasonable Moving and Related Expenses, **or**
  - A Fixed Payment In Lieu of a Payment for Actual Moving and Related Expenses
- B. Referrals to suitable replacement locations.
- C. Other help to reestablish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

If you disagree with the Agency's decision as to your right to a relocation payment, or the amount of the payment, you may appeal that decision.

## **SOME GENERAL QUESTIONS**

### **How Will the Agency Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your needs and preferences for a replacement location and other services. The interviewer will ask questions about such matters as your space requirements. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

### **How Soon Will I Have to Move?**

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for the property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

### **How Will I Find A Replacement Location?**

The Agency will provide you with current and continuing information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you need. While the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to assure that there are no zoning or other requirements which will unduly restrict your planned operations. Ask the Agency to explain which kind of moving costs are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

### **What Other Assistance Will be Available To Help Me?**

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes information on Federal, State, and local programs that may be of help in reestablishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses. There may also be a government grant or loan program which can help you reestablish your business. The Agency will assist you in applying for help available from government agencies. The range of services depends on the needs of the business being displaced. You should ask the Agency representative to tell you about the specific services that will be available to you.

**I Have A Replacement Location And Want To Move. What Should I Do?**

Before you make any arrangements to move, notify the Agency, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

**I Plan To Discontinue My Business Rather Than Move. What Should I Do?**

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

**What Payment For Moving Expenses will I receive?**

Every displaced person is entitled to a relocation payment to cover the reasonable cost of moving. You may choose either:

- A. **A Payment For Actual Reasonable Moving and Related Expenses, OR**
- B. **A Fixed Payment In Lieu of Moving and Related Expenses** (if you meet the eligibility requirements).

**What is Payment for Actual Reasonable Moving and Related Expenses?**

If you choose a Payment for Actual Reasonable Moving and Related Expenses, you may claim the cost of:

- A. Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Agency.)
- B. Packing, crating, uncrating, and unpacking personal property.
- C. Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. This includes alterations to the replacement structure required to reinstall machinery, equipment or other personal property
- D. Storage of personal property for a reasonable period of time, if required.

- E. Insurance of personal property in connection with the move and required storage. And the replacement value of property lost, stolen, or damaged in the process of moving where insurance is not readily available.
- F. Any license, permit or certification required by the displaced business, to the extent that the cost is (1) necessary to its reestablishment at the replacement location and (2) does not exceed the cost for the remaining useful life of the existing license, permit, or certification.
- G. Reasonable and preauthorized professional services, including architect's, attorney's, and engineer's fees, and consultant's charges, necessary for (1) planning the move of the personal property, (2) moving the personal property, or (3) installing the relocated personal property at the replacement location.
- H. Re-lettering signs, printing replacement stationery made obsolete by the move and customer notifications.
- I. The reasonable cost incurred in attempting to sell an item that is not relocated.
- J. Actual direct loss of personal property. This payment provides compensation for personal property that is neither moved nor promptly replaced with a "substitute item" at the replacement location. Payment is limited to the lesser of: (1) the estimated cost of moving the property or (2) the fair market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Agency determines that such effort is not necessary.
- K. Purchase and installation of substitute personal property. Payment will be limited to the lesser of: (1) the estimated cost to move the item to the replacement location, or (2) the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from its sale or its trade-in value. It is important to discuss your plans with the Agency before you proceed.
- L. Searching for a replacement location. This payment may not exceed \$1,000.00 and may cover costs for:
  - Transportation expenses
  - Time spent searching for a replacement location, based on a reasonable salary or earnings
  - Reasonable fees paid to real estate agents or brokers to find a replacement location (not fees related to the purchase of a site)
  - Meals and lodging away from home

The Agency representative will explain all eligible moving costs, as well as, those which are not eligible. You must be able to account for all costs that you incur; so keep all your receipts. The Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your property. Payment for self-move is based on the amount of an acceptable low bid or estimate obtained by the Agency. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Agency cannot agree on an acceptable amount to cover the cost of the "self-move," you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, let the Agency know before you move. Select your mover with care. The Agency representative can help you select a reliable and reputable mover.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item may be based on the lowest acceptable bid or estimate obtained by the Agency. If not sold or traded-in, the item must remain at the old location and ownership of the item must be transferred to the Agency before you may receive the payment.

### **What are Reestablishment Expenses?**

As part of Payment for Actual Reasonable Moving and Related Expenses, a small business may be eligible to receive a payment of up to \$10,000 for expenses actually incurred in relocating and reestablishing such operation at a replacement site.

Eligible expenses must be reasonable and necessary, as determined by the Agency. They may include but are not limited to the following:

- A. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
- B. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- C. Construction and Installation costs for exterior signage to advertise the business.
- D. Provision of utilities from right-of-way to improvements on the replacement site.
- E. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- F. Licenses, fees, and permits where not paid as part of moving expenses.



- G. Feasibility surveys, soil testing and marketing studies.
- H. Advertising of replacement location.
- I. Professional services in connection with the purchase or lease of a replacement site.
- J. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
  - 1. Lease or rental charges
  - 2. Personal or real property taxes
  - 3. Insurance premiums, and
  - 4. Utility charges (excluding Impact fees)
- K. Impact fees or one-time assessments for anticipated heavy utility usage.
- L. Other items that the Agency considers essential to the reestablishment of the business.

**What Expenses are NOT Eligible for Reestablishment Payment?**

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary or otherwise eligible:

- A. Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures.
- B. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- C. Interior or exterior refurbishments at the replacement site, except as otherwise provided for under the business reestablishment payment.
- D. Interest costs associated with any relocation expense or the purchase of replacement property.
- E. Payment to a part-time business in the home which does not contribute materially to the household income.

**What is Fixed Payment In Lieu Of A Payment for Actual Reasonable Moving and Related Expenses?**

A Fixed Payment In Lieu Of a Payment for Actual Reasonable Moving and Related Expenses to a business operation is based on the average annual net earnings of the business for the two years immediately prior to displacement. The payment may not be

less than \$1,000.00, nor more than \$20,000.00. Any payment in excess of \$1,000.00 must be supported with financial statements for the two 12 month periods prior to displacement. Documentation required may be income tax returns, certified financial statements and accounting records or other similar evidence acceptable to the Agency.

To qualify for an In-Lieu payment, a displaced business:

1. Must own or rent personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.
2. Must be unable to relocate without a substantial loss of existing patronage.
3. Must not be part of a commercial enterprise having more than three other establishments which are not being acquired by the Agency, and which are under the same ownership and engaged in the same or similar business activities.
4. Must not be operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. Must not be operated at the displacement site solely for the purpose of renting the site to others.
6. Must have contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

*If not in business for a full two years prior to displacement, the net earnings shall be based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the Agency determines it to be more equitable.*

The Agency will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

Remember, when you elect to take this payment you are not entitled to reimbursement for any other (actual) moving expenses.

### **I Own An Outdoor Advertising Display. What Relocation Payment Will I Receive?**

As the owner of an outdoor advertising display, you are eligible for a Relocation Payment For Actual Reasonable Moving And Related Expenses. You are not eligible to receive a Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses.

If you choose not to relocate or replace the sign, the payment for "direct loss of personal property" would be the lesser of: (1) the depreciated reproduction cost of the sign, as

estimated by the Agency, less the proceeds from its sale, or (2) the estimated cost of moving the sign without temporary storage. The Agency will inform you as to the exact costs that may be reimbursed.

### **How do I File a Claim for a Relocation Payment?**

You must file a claim for a relocation payment. The Agency will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive your relocation payments. If you must pay any relocation expenses before you move (e.g., because you must provide security deposit if you lease your new location), discuss your financial needs with the Agency. You may be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you own the property, you must file within 18 months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the Agency may extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

### **Appeals**

If you disagree with the Agency's decision as to your right to a relocation payment or the amount of payment, you may appeal the decision to the Agency. The Agency will inform you of its appeal procedures. At a minimum, you will have 18 months to file your appeal with the Agency. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal. If you are not satisfied with the final appeal decision, you may seek review of the matter by the courts.

### **Tax Status of Relocation Benefits**

Relocation benefit payments are not considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11(commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

## EXHIBIT C – APPEALS / GRIEVANCE PROCEDURES

### APPEALS / GRIEVANCE PROCEDURES

#### **Purpose.**

The purpose of this article is to set forth the Redevelopment Agency of the City of Oakland's guidelines for processing appeals from determinations as to eligibility or the amount of a relocation payment.

#### **Right of Review.**

(a) Any complainant, that is any person who believes himself/herself aggrieved by a determination as to eligibility, or the amount of a relocation payment may, at his election, have his/her claim reviewed and reconsidered by the Agency or an authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this article, as supplemented by the procedures the Agency shall establish for such review and reconsideration.

(b) A person or organization directly affected by the relocation project may petition the California Housing and Community Development Department ("HCD") to review the final relocation plan to determine if the plan is in compliance with state laws and guidelines, or review the implementation of a relocation plan to determine if the Agency is acting in compliance with its relocation plan.

#### **Notification to Complainant.**

If the Agency denies or refuses to consider a claim, the Agency's notification to the complainant of its determination shall inform the complainant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.

#### **Stages of Review by Agency.**

(a) **Request for Further Written Information.** A complainant may request the Agency to provide him with a full written explanation of its determination and the basis therefore, if he/she feels that the explanation accompanying the payment of the claim or notice of the Agency's determination was incorrect or inadequate. The Agency shall provide such an explanation to the complainant within three weeks of its receipt of his request.

**(b) Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the Agency within the period described in subsection (d) of this section and within 15 days of the request. The Agency shall afford the complainant the opportunity to make such presentation. The complainant may be represented by an attorney or other person of his/her choosing at his/her expense. This oral presentation shall enable the complainant to discuss the claim with the Agency or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The Agency shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

**(c) Written Request for Review and Reconsideration.** At any time within the period described in subsection (d), a complainant may file a written request for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material that may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, the complainant's request may be granted.

**(d) Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking a formal review and reconsideration, shall make a request to the Agency within eighteen months following the date he/she moves from the property, or the date he/she receives final compensation for the property, whichever is later.

### **Formal Review and Reconsideration by the Agency.**

**(a) General.** The Agency shall consider the request for review and shall decide whether a modification of its initial determination is necessary. This review shall be conducted by the City of Oakland Housing, Residential Rent, and Relocation Board, or an authorized, impartial designee (the designee may be a committee). A designee shall have the authority to revise the initial determination or the determination of a previous oral presentation. The Agency shall consider the complaint regardless of form, and shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, the Agency shall inform him/her that he/she has the right to be represented by an attorney, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she has exhausted the administrative appeal.

**(b) Scope of Review.** The Agency shall review and reconsider its initial determination of the claimant's case in light of: (1) all material upon which the displacing agency based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness. (2) the reasons given by the claimant for requesting review and reconsideration of the claim. (3) any additional written or relevant documentary material submitted by the claimant. (4) any further information which the Agency, in its

discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

**(c) Determination on Review by Agency.** (1) The determination on review by the Agency shall include, but is not limited to: (a) the Agency's decision on reconsideration of the claim; (b) the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; (c) a statement to the claimant of the right to further administrative appeal, if the Agency has such an appeal structure, or if not, a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. (2) The determination shall be in writing with a copy provided to the claimant.

**(d) Time Limits.** (1) The Agency shall issue its determination of review as soon as possible but no later than 6 weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later. (2) In the case of complaints dismissed for un-timeliness or for any other reason not based on the merits of the claim, the Agency shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than 2 weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

#### **Refusals to Waive Time Limitation.**

Whenever a Agency rejects a request by a claimant for a waiver of the time limits, a claimant may file a written request for review of this decision, except that such written request for review shall be filed within 90 days of the claimant's receipt of the Agency's determination.

#### **Extension of Time Limits.**

The time limits specified may be extended for good cause by the Agency.

#### **Recommendations by Third Party.**

Upon agreement between the claimant and the Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the head of the Agency for its final determination. In reviewing the claim and making recommendations to the Agency, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

#### **Review of Files by Claimant.**

Except to the extent that confidentiality of material is protected by law or its disclosure is prohibited by law, the Agency shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of the claimant's grievance. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

**Effect of Determination on Other Persons.**

The principles established in all determinations by the Agency shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for displacing review.

**Right to Counsel.**

Any aggrieved party has a right to representation by legal or other counsel at his or her expense at any and all stages of the proceedings set forth in these sections.

**Stay of Displacement Pending Review.**

If a complainant seeks to prevent displacement, the Agency shall not require the complainant to move until at least 20 days after it has made a determination and the complainant has had an opportunity to seek judicial review. In all cases the Agency shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

**Joint Complainants.**

Where more than one person is aggrieved by the failure of the Agency to refer them to comparable permanent or adequate temporary replacement housing, the complainants may join in filing a single written request for review. A determination shall be made by the Agency for each of the complainants.

**Judicial Review.**

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.